

1 KIRK T. KENNEDY, ESQ.
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6 Attorney for Plaintiff

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MELVIN KORNBERG,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendant.

2:12-cv-01961-JAD-PAL

STIPULATION TO DISMISS CERTAIN CLAIMS WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff, above named, by and through his undersigned counsel, KIRK T. KENNEDY, ESQ., and Defendants, above named, represented by and through their undersigned counsel, DANIEL G. BOGDEN, United States Attorney and JUSTIN E. PINGEL, Assistant United States Attorney, that the Plaintiff's claims in his complaint for breach of contract and breach of the covenant of good faith and fair dealing shall be dismissed without prejudice. The Plaintiff's claim for negligence shall remain in the above-entitled action in this Court.

The Plaintiff may seek to file his claims related to allegations of breach of contract against the Defendants in the United States Court of Claims as the appropriate

forum for such actions.

1 /s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
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/s/Justin E. Pingel
DANIEL G. BOGDEN
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JUSTIN E. PINGEL
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Attorney for Defendants

5 Dated: 9/5/13

Dated: 9/5/13

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8 **ORDER**

9 IT IS SO ORDERED,

10 Dated this __ day of September, 2013.

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12 UNITED STATES MAGISTRATE JUDGE
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